

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 AGR-05 CEA-01 CIAE-00 COME-00

DODE-00 FRB-03 H-02 INR-07 INT-05 L-02 LAB-04 NSAE-00

NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-01 TAR-01

TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00 OMB-01 IO-10

OIC-02 AF-06 ARA-06 EA-06 NEA-09 /127 W

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FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC PRIORITY 8508

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DEPT PASS STR FOR KELLY, AGRICULTURE FOR SHARKEY

E.O. 11652: N/A

TAGS: ETRD, GATT, EEC

SUBJECT: MTN: STANDARDS

REF: (A) STATE 6340; (B) GENEVA 1615

1. SUMMARY: THE MISSION MET WITH EC COMMISSION OFFICIALS AND EXPLORED THEIR IDEAS ON THE DRAFT GATT STANDARDS CODE. A SUMMARY OF THE DISCUSSION FOLLOWS. END SUMMARY.

2. IN RESPONSE TO REFTEL A, THE MISSION MET WITH EC COMMISSION OFFICIALS SCHLOESSER AND DERISBOURG (DIRECTORATE GENERAL FOR THE INTERNAL MARKET) ON MARCH 20 AND SOUGHT THEIR GENERAL VIEWS ON THE DRAFT GATT STANDARDS CODE AND ON THE MAY 5 SUB-COMMITTEE MEETING.

3. SCHLOESSER SAID THAT DURING THE MEETINGS IN 1972-1973 WHEN THE CODE WAS BEING DRAFTED IT WAS WRITTEN IN GENERAL TERMS AND

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THERE WAS MUCH THINKING OUT LOUD. NOW THAT WE WOULD BE ENGAGING

IN SERIOUS INTERNATIONAL NEGOTIATIONS INVOLVING OBLIGATIONS AND SANCTIONS, REDRAFTING WAS NEEDED. IN ITS PRESENT FORM IT IS WORDY AND DIFFICULT TO UNDERSTAND. IT NEEDS TO BE CLEAR, CONCISE, CONCENTRATE ON ESSENTIALS AND BE READILY UNDERSTOOD BY THE NATIONAL AUTHORITIES WHO WILL HAVE TO APPLY IT.

4. SCHLOESSER SAID SOME PARTS OF THE DRAFT CODE SHOULD BE ELIMINATED. THE SINGLE SPECIFIC EXAMPLE HE VOLUNTEERED WAS THE REQUIREMENT THAT COUNTRIES SHOULD AUTOMATICALLY INFORM THE GATT SECRETARIAT OF ALL PROPOSED STANDARDS. HE ARGUED THAT A) MANY STANDARDS ARE BENIGN AND HAVE NO ADVERSE TRADE EFFECTS AND B) THE GATT SECRETARIAT, THE STATES ADHERING TO THE CODE AND THE STANDARD-MAKING SUTHORITIES WOULD BE OVER BURDENED WITH WORK STEMMING FROM REQUESTS FOR INFORMATION. (SCHLOESSER, IN THE PAST, HAS EXPRESSED CONCERN ABOUT OVERBURDENING HIS EC COMMISSION STAFF).

5. A THIRD ISSUE SCHLOESSER RAISED WAS HOW TO GET COUNTRIES TO ADHERE TO THE CODE AND ACCEPT ITS SANCTIONS IF THEY COULD GET THE ADVANTAGES OF THE CODE UNDER ART. 1. OF THE GATT, PARTICULARLY REGARDING TESTING AND MUTUAL RECOGNITION OF NATIONAL QUALITY ASSURANCE SYSTEMS, WITHOUT ADHERING TO IT. SCHLOESSER SAID THAT THERE MIGHT HAVE TO BE A CONDITIONAL MTN PRINCIPLE SO THAT SIGNATORIES WOULD HAVE ADVANTAGES THAT WOULD BE DENIED TO NON-SIGNATORIES. DERISBOURG TOLD US LATER THAT THE COMMISSION HAS NOT YET DECIDED IF THEY WANT A CODE WITH SUPERVISION AND SANCTIONS OR JUST A CODE OF BEST ENDEAVORS. HE ALSO SAID THAT ALTHOUGH THE COMMISSION HAS NOT YET MADE A DECISION ON WHETHER THE CODE SHOULD APPLY TO AGRICULTURE, AGRICULTURE DIRECTOR GENERAL RABOT'S DEPUTY (JACQUOT), WHO HANDLES THE ISSUE IN THAT DIRECTORATE GENERAL IS AGAINST ITS INCLUSION.

6. WE NOTED THAT WE WOULD LIKE TO SEE A SELF-BALANCING AGREEMENT ARRIVED AT EARLY ON IN THE NEGOTIATIONS. SCHLOESSER REJECTED THE CONCEPT "SELF-BALANCING" AND SAID HE SAW IT IN TERMS OF "MUTUALLY ACCEPTABLE" SINCE UNLIKE TARIFF NEGOTIATIONS, THERE COULD NOT EVEN BE CRUDE QUANTIFICATION OF BENEFITS. REGARDING EARLY AGREEMENT, HE SAID THAT IT WAS MOST UNLIKELY BECAUSE, FOR EXAMPLE, THE EC MIGHT BE VERY HALF-HEARTED ABOUT CERTAIN PROVISIONS IN A NEGOTIATED STANDARDS CODE AND ONLY LIMITED OFFICIAL USE

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ADHERE TO IT WITH THESE PROVISIONS IT IT WERE A PART OF AN OVERALL SETTLEMENT.

7. REGARDING THE MAY 5 MEETING SCHLOESSER SAID THAT AT THIS POINT HIS MAIN CONCERN WAS TO GET ALL OF THE DELEGATES ATTENDING TO PARTICIPATE ACTIVELY AND MAKE THEIR NATIONAL POSITIONS CLEAR. HE RECALLED THAT DURING THE 1972-73 MEETINGS THERE WAS BASICALLY A THREE-WAY CONVERSATION BETWEEN HIMSELF,

THE US AND JAPANESE REPRESENTATIVES WITH THE OTHERS INTERESTED OBSERVERS. SCHLOESSER THOUGHT THERE SHOULD NOT BE TOO MUCH DIFFICULTY WITH THE DEVELOPING COUNTRIES AS THEY HAD LITTLE VESTED INTEREST IN STANDARDS. HE DID EXPECT THAT LDCS WOULD HAVE TROUBLE CARRYING OUT TESTING REQUIREMENTS BUT NOTED THAT THERE WAS A CODE PROVISION FOR TESTING IN OTHER COUNTRIES.

8. WE MENTIONED THAT KELLY (STR) MIGHT BE COMING THROUGH BRUSSELS SOME TIME BEFORE THE MAY MEETING. SCHLOESSER SAID HE WOULD BE IN BRUSSELS FROM APRIL 10 ONWARD. HE ALSO NOTED THAT HE MIGHT HAVE TO BE ABSENT FROM THE SUBGROUP ON MAY 9 OR 12.

9. REQUEST: SCHLOESSER SAID IT WAS HIS UNDERSTANDING THAT ONLY THE DRAFT CODE AND NOT MARKS OF ORIGIN, PACKAGING AND LABELING AND PHYTO-SANITARY AND SANITARY REGULATIONS WOULD BE DISCUSSED DURING THE MAY 5-16 MEETING. IS THAT OUR UNDERSTANDING? HE ALSO WOULD LIKE TO HEAR OUR GENERAL VIEWS ON THE CODE AND OUR APPROACH TO THE MAY 5 MEETING. GREENWALD

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